



**EXPRESS MAIL LABEL NO. EU590601265US**

Judgment (FRCP 12(B)(1), FRCP 56(C)", Applicant references the matter of *Intelliware Systems, Inc. v. Mark D. Tannen*, Cancellation No. 31,660, in which Intelliware Systems' petition alleged that Mr. Tannen, Opposer herein, abandoned the mark AI AMERICAN INTELLIWARE and Design (Reg. No. 1347429).

3. On November 20, 2002, Opposer's attorneys, Baker Botts LLP, received the Trademark Trial and Appeal Board's September 10, 2002 order in the matter *Intelliware Systems, Inc. v. Mark D. Tannen*, Cancellation No. 31,660, dismissing Intelliware Systems, Inc.'s petition for cancellation with prejudice for failure to prosecute. Attached hereto as Exhibit A is a true and correct copy of the Trademark Trial and Appeal Board's September 10, 2002 order in that matter. It is reasonable to conclude that Opposer's evidence of use of the mark AI AMERICAN INTELLIWARE and Design was sufficient for Intelliware Systems' to forgo pursuing its claim of abandonment against Opposer.

Pursuant to 28 U.S.C. § 1746, I, Paul J. Reilly, further declare under penalty of perjury that the foregoing is true and correct.

Date: November 20, 2002

By:

  
Paul J. Reilly

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**CERTIFICATE OF MAIL AND SERVICE**

I hereby certify that the foregoing, DECLARATION OF PAUL J. REILLY IN SUPPORT OF OPPOSER'S MEMORANDUM IN OPPOSITION TO APPLICANT'S MOTION FOR TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT was deposited with the United States Postal Service "Express Mail Post Office To Addressee Service" in an envelope with sufficient postage, addressed to:

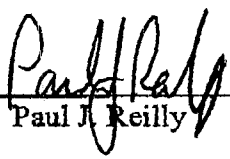
Box TTAB NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

and a true and correct copy of the foregoing was served on Applicant's attorneys of record via the United States Postal Service as First Class Mail, in an envelope with sufficient postage, addressed to following:

Robert T. Daunt, Esq.  
DAVIS & SCHROEDER  
215 W. Franklin Street, 4th Floor  
Post Office Box 3080  
Monterey, California 93942

on November 20, 2002.

By: \_\_\_\_\_

  
Paul J. Reilly

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Exhibit A

MC

**BAKER BOTTS LLP***Fax receipt will not be confirmed by phone unless requested.*30 ROCKEFELLER PLAZA  
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DATE April 24, 2003  
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VOICE NO.**MESSAGE**Re: Mark D. Tannen v. Jay Mack, Opp. No. 91 151109

Per your telephone request this morning, attached is a copy of the Declaration of Paul J. Reilly filed with the TTAB.

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